



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: UPE15-0060
DATE: August 2, 2018
TIME: 1:05 p.m.
STAFF: Nash Gonzalez, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Dominic Foppoli, Foppoli Family Vineyards

Owner: Dominic Foppoli, Foppoli Family Vineyards

Project Name: Foppoli Family Vineyards Tasting Room with events

Location: 5107 Slusser Road, Windsor
APNs: 066-280-036 Supervisorial District No.: 4

Subject: Use Permit

PROPOSAL: Request for a Use Permit to convert an existing 1,800 square foot garage to a tasting room by appointment only (crush and fermentation is off-site, only barrel aging is proposed), with a waiver to covered parking and to include two (2) wine club events, up to 30 people to take place during tasting room hours.

Environmental Determination: Mitigated Negative Declaration

General Plan: DA 60 (Diverse Agriculture 60-acre density)

Specific/Area Plan: None

Ord. Reference: Section 26-08-020 (j) and (k)



Zoning: DA B6-60, Z, F-2, VOH: RC50/50 (Diverse Agriculture; Riparian Corridor 50/50; Flood Plain; Valley Oak Habitat Combining Districts)

Land Conservation

Contract: None

Application Complete

for Processing: February 6, 2017

RECOMMENDATION: Recommend that the Board of Zoning Adjustments approve the Use Permit request for the establishment of a tasting room, waiver to covered parking with a total of two (2) wine club/tasting events, up to 30 people (to take place during tasting room hours only).

Executive Summary: This item was continued from September 28, 2017 to allow the applicant to revise the proposal. The prior proposal included a request for the conversion of an existing 1,800 square foot garage to a tasting room, including 20 agricultural promotional events days: eight (8) agricultural promotional events, including four (4) weddings with a maximum of 100 guests per event; and participation in 12 industry wide event days. The Diverse Agriculture zoning district allows tasting rooms and agricultural promotional events subject to approval of a Use Permit. Approximately 7 acres of vineyard are planted on site. The project includes barrel storage and fermentation but no crush or other processing on site. Processing for wines served on site occurs at another permitted off-site facility located on Limerick Lane. The BZA must determine that the project is consistent with the General Plan and and compatible with the neighborhood.

On September 28, 2017, the initial proposal was reviewed by the BZA and there was consensus by the BZA that they could not support the proposal as it appeared to be too intensive with a focus on events, rather than promotion of agriculture. The BZA moved to continue the item off-calendar so the applicant could revise their proposal. The BZA suggested that they could potentially support the proposed project based on the following:

1. Tasting by appointment only with a maximum of 30 people per day;
2. Tasting room open seven days a week from 10:00 am to 5:00 pm;
3. Maximum of 2 agricultural promotional events a year with a maximum of 30 people at each event;

4. No weddings;
5. No industry wide events;
6. Events are to take place during normal tasting room hours;
7. No amplified music;
8. No third party rentals;
9. A parking plan shall be submitted for review;
10. The tasting room and events will serve only estate wines grown and served on-site;
11. A one-year review of project shall take place by the BZA; and
12. The applicant shall work with the County staff regarding the incorporation of barrel storage and fermentation on-site.

In response, the applicants have significantly scaled back their proposal and have revised the project by reducing the number of events to only two (2) annual wine club/tasting events and eliminated the proposed 4 weddings and are now proposing that wine tasting be by appointment only.

ANALYSIS

Project Description:

The request is to allow a new tasting room by appointment only with two events on a 38.1 acre parcel. The parcel contains a 3,600 sq. ft. single family residence, garage, barn, and 7 acre vineyard. Specifically, the project will involve the conversion of an existing 1,800 sq. ft. garage into a tasting room with a utility room, tax paid/case good storage area, a rest room, and tank storage room (barrels and fermentation tanks). There will be no crushing, filtering or bottling on-site. Once crush is completed off-site, fermentation tanks will be stored at the proposed tasting room in the designated fermentation zone. The tank storage room accommodates fermentation tanks, an air compressor, and air conditioning. All crushing, filtering and bottling will occur off-site at the Christopher Creek Winery. A total of 40 barrels will be stored on-site. Annual production is anticipated to be 1,000 to 2,000 cases of wine. The architecture of the residence and garage will remain the same with revisions to doors and windows in the garage to accommodate the tasting room functions. The proposed tasting room will open to an existing covered terrace which also will serve as the path to an accessible parking space at the drive entry. The existing residence will not be altered and will remain the primary residence on the property. The tasting room will have one fulltime employee and one part time employee. The barrel storage and tasting room hours of operation are proposed to be 7 days a week from 10:00 a.m. to 5:00 p.m. by appointment only.

The request also includes two (2) wine club/tasting event days per year. The event hours will be the same as the tasting room hours of 10:00 a.m. to 5:00 p.m. Wine club/tasting events may take place during winter/wet conditions, with each of the events taking place indoors or under temporary covered tents. Weather permitting all events would be conducted outdoors adjacent to the existing residence in the patio area. The proposal does not include auctions or amplified sound. Non-amplified acoustic music (i.e. piano strings and woodwinds) is proposed. The two events are to be catered as there will be no on-site food preparation in association with the events or tasting facility. No industry wide events are proposed as part of the proposal.

Related on site improvements would include a new subsurface sewage disposal system (septic tank and leach field) for the new tasting and storage facility. The existing five (5) car garage would be converted to the tasting facility, which would include the elimination of five covered spaces within the garage. A two-car space is to be converted to the "tax paid case storage area" along with a unisex restroom. A one-car space is to be converted to the wine tasting bar that would be open to the public, the other two spaces are to be used for the fermentation and tank storage. The applicants are proposing five parking spaces, including one van accessible for the proposed tasting room. In addition, the project will include an area immediately north of the garage off the circular driveway that will be used for overflow parking sufficient for up to 30 people. The six permanent proposed spaces are to be surfaced with gravel while the overflow parking is to be accessed from the circular driveway and located on an adjacent pasture which is to be mowed prior to each event.

Public tasting with retail sales would require one (1) full time employee and one (1) part-time employee and bring an estimated 20 to 30 visitors per day by appointment. During scheduled wine club events, the wine tasting facility is to be closed to the public. Portable chemical toilets will also be provided for each of the two (2) events.

Proposed event activities are listed in the table below:

Event type	# of events per year	# of guests per event	Event location	Amplified Music/Sound
Wine Club wine tastings	2 During winter months	Up to 30	Indoors and outdoors between the patio of the residence and tasting room	No amplified music or auctions Only non-amplified acoustical music (i.e. piano, strings, & woodwinds)

Full-time employees: 1, including owner/operators

Part-time: 1 additional employee

Events are to be catered and no additional employees beyond the 1 fulltime and 1 part time

Hours of Operation:

Public Tasting Room: By appointment only during the hours of 10 a.m. to 5 p.m., 7 days a week

Wine Club Tasting Events: 10 a.m. to 5 p.m.

Parking: All parking will be on-site, as follows:

- Guests/Employees: 5 parking spaces, and (1) one of which will be improved as an ADA van accessible for a total of 6 permanent spaces. All spaces are to be graveled surfaced.
- Although the Overflow event parking to be located north of the garage off the circular driveway has been designed to accommodate up to 76 spaces, only 12 spaces would be required utilizing a ratio of 2.5 people per car.
- During events, the wine tasting facility will be closed to the public.

Access:

All access and egress for vehicles and trucks via an existing improved entrance directly off of Slusser Road.

Sewage Disposal:

Tasting Room and Event wastewater disposal: The project would include the expansion of the existing septic system to accommodate the additional people using the proposed restroom associated with the tasting facility. The design must conform to the requirements of the North Coast Regional Water Quality Control Board (RWQCB) and will be operated under permit with the NCRWQCB and PRMD.

Domestic wastewater disposal: Sanitary sewage would be disposed of by an on-site septic system.

Water supply: Domestic water is supplied by the Town of Windsor for the property. According to the applicant no on-site wells supply the property.

Case good storage: Minimal case goods storage will be provided on site; most of the long-term storage and all distribution will be located at a separate warehousing facility (Christopher Creek Winery). Case goods on-site will be those used in the tasting facility.

Landscaping: The project site contains a mix of vegetation and habitats. The majority of the site is developed with vineyards and pastures and related structures, roadways and parking areas. The proposed winery tasting room and associated parking would occur in previously disturbed areas and will not involve the removal of any existing vineyard. The western portion of the property is bisected in a north/south manner by an unnamed blue line creek designated as a Riparian Corridor (RC) Combing Zone with a setback. In addition, the area west of the creek is designated as valley oak habitat on the applicant's site plan. The existing barn (which is not part of the project) is situated immediately north of the oak woodland and northwest of the creek. The area of the proposed winery tasting room facility and associated parking would occur on areas that have already been disturbed by existing residential development or are not planted in an agricultural use. The proposed project will not involve the removal of any of the existing vineyard and would impact approximately 2+/- acres of pasture land immediately north of the existing access circular driveway for both the permanent 8-space parking area and sufficient space for overflow parking.

Site Characteristics:

The parcel is located southwest of the Town of Windsor, along the west side of Slusser Road, about 1.6 miles north of its intersection with River Road, and approximately 1,600 feet south of its intersection with Mark West Station Road. The approximately 38.1-acre parcel (APN 066-280-36) is developed with a 3,600 sq. ft. single family residence, a 1,800 sq. ft. residential garage, a 3,600 sq. ft. barn and about a 7-acre vineyard. The property is bisected in a north/south direction by an unnamed creek which is located in the western portion of the property. The proposed facility and event area will be located over 100 feet from the edge of the riparian corridor of the unnamed creek. Access to the property is from Slusser Road, via an existing 22 foot wide driveway and a 17 foot wide circular driveway in front of the existing residence and garage. The parcel also contains on-site residential parking along the circular driveway, along with vineyard access roadways, and septic system. The site is not within a Land Conservation Act Contract Williamson Act).

Surrounding Land Use and Zoning:

Land use in the project vicinity is primarily vineyard development. The closest winery to the project site is the Russian Hill Estate Winery, approximately one-half mile to the south along the west side of Slusser Road. Additional wineries, vineyards and tasting rooms within approximately one mile of the project site include Sonoma-Cutrer Vineyards, La Crema Estate at Saralee's Vineyard; all located to the south along Slusser Road. Lands to the north and west are in residential and agricultural use; located to the west are in residential and agricultural use, located to the west and east of Slusser Road is the Charles Schultz – Sonoma County Airport. Lands to the south are in agricultural (vineyard) use.

Parcel sizes in the area average 21.4- acres in size. To the north, the project site is bordered by a 38.20 acre parcel which is predominately agricultural with a single-family residence. And immediately north of the adjacent parcel is Mark West Station Road, which runs in an east/west direction. To the west there are 20 acre parcels with agricultural uses and single-family residences. To the south is a commercial vineyard. To the east is the Sonoma County/Charles Schultz Airport.

Surrounding parcels are zoned:

North: Residential/Agricultural. Zoning: Diverse Agriculture (DA) B6 60 Riparian Corridor (RC) 50/50 Valley Oak Habitat (VOH)

South: Agricultural/Vineyard. Zoning: Diverse Agriculture (DA) B6 60 Z F2 Riparian Corridor (RC) 50/50

East: Sonoma County/Charles Schultz Airport. Zoning: Public Facilities (PF), Riparian Corridor (RC) 50/50 Valley Oak Habitat (VOH)

West: Residential/Agricultural. Zoning: Diverse Agriculture (DA) B6 60 Z Valley Oak Habitat (VOH)

Project Location:

The subject property is located southwest of the Town of Windsor, along the west side of Slusser Road, about 1.6 miles north of its intersection with River Road, and approximately 1,600 feet south of its intersection with Mark West Station Road. The property is located 0.40 miles immediately west of the Sonoma County-Charles Shultz Airport, runway number 2.

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

The project site has a Diverse Agriculture land use designation. The Diverse Agriculture General Plan and zoning designation allows agricultural production, wineries, tasting rooms, and agricultural promotional events as conditional uses. The request must be found consistent with the General Plan's Agricultural Element Goals, Objectives and Policies, which include the following:

Goal AR 2.1 *“Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranches to subdivide or convert the land to nonagricultural uses.”*

Goal AR-1: *“Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County.”*

“Objective AR-1.2: *Permit marketing of products grown and/or processed in Sonoma County in all areas designated for agricultural use.”*

“Policy AR-4a”: *The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.”*

Staff Analysis: The project site is located within the grape growing region of the Russian River appellation, and the primary use of the project site will remain residential and agricultural production with approximately 7 acres of the project planted in vineyard, and pasture. To avoid conflicts with residences in the project vicinity, conditions have been incorporated into the proposed project to reduce potential land use conflicts such as requiring dark-sky compliant exterior lighting, limiting frequency and hours of events, requiring all parking on-site. Noise levels shall be in accordance with the General Plan daytime noise standards during construction, and for truck deliveries, tasting room operations, and event activities, including no amplified sound/music (see further discussion on Noise in Issue 6).

“Objective AR-5.1: *Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land use categories.”*

Staff Analysis: The subject site is designated as Diverse Agriculture which is considered one of the primary agricultural land use designations. As discussed above, an on-site tasting room allows locally grown and processed grapes to be showcased.

“Policy AR-5a: *Provide for facilities that process agricultural products in all three agricultural land use categories only where processing supports and is proportional to agricultural production on site or in the local area.”*

Staff Analysis: As noted above the site has an agricultural land use designation of Diverse Agriculture, and the proposal will include some barrel storage (a total of 40 barrels will be stored on-site), and a 619.5 sq. ft. tank storage room, but the processing of the grapes is to be conducted at the Christopher Creek Winery in Healdsburg. Grapes are produced on-site at the

family vineyard with processing and bottling to occur at Christopher Creek Winery but with the intent that the finished product would be showcased at the project site. The wine tasting facility and on-site vineyards are located in a major grape growing region of the County.

“Policy AR-5c: Permit storage, bottling, canning, and packaging facilities for agricultural products either grown or processed on site provided that these facilities are sized to accommodate, but not exceed, the needs of the growing or processing operation. Establish additional standards in the Development Code that differentiate between storage facilities directly necessary for processing, and facilities to be utilized for the storage of finished product such as case storage of bottled wine. Such standards should require an applicant to demonstrate the need for such on-site storage.”

Staff Analysis: According to the applicant, a small amount of finished case goods will be stored on-site for sale and available to daily customers of the tasting facility, however the bulk of the case goods will be stored off-site. Approximately 382 sq. ft. of floor area is to be devoted to on-site case good storage.

Policy AR-5g: Local concentrations of any separate agricultural support uses, including processing, storage, bottling, canning and packaging, agricultural support services, and visitor-serving and recreational uses as provided in Policy AR-6f, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:

1. *Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element’s objectives for level of service on a site specific and cumulative basis.*

Staff Analysis: There are three wineries with associated tasting rooms located along Slusser Road, and several wineries and tasting facilities are located along River Road over one mile away. The three wineries within one mile of the project site include the Russian Estates Winery (the closest winery, located one-half mile to the south along Slusser Road), Sonoma-Cutrer Winery, and La Crema Estate at Saralee’s Vineyard. The proposed project is not expected to significantly contribute to roadway conflicts or result in traffic levels of service beyond County standards. It does not appear to be an over concentration of wineries along Slusser Road which runs between Windsor and Road to the north and River Road to the south. The Foppoli tasting room would be the fourth such facility on Slusser Road.

2. *Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.*

Staff Analysis: The proposed project is currently served by the Town of Windsor for municipal water service. The project has also been reviewed by the Permit Sonoma Environmental Health Project Review Section, and although the property is currently served by the Town of Windsor, the project is conditioned to require the existing connection to the Town of Windsor's public water system to be maintained. Prior to building permit issuance, the applicant is required to submit a "Will Serve Letter" for water to the Project Review Health Specialist to verify compliance. Because the current connection is for a residential water connection, the property will now have a commercial use and therefore in order to avoid a potential conflict, the requirement for a connection and "Will Serve Letter" will ensure that water service is available to the project. Based on the source of water to the site, the local aquifer and groundwater in the immediate area will not be impacted by the proposed tasting facility or its associated events (see Exhibit A – Recommended Condition Number 9).

3. Whether the above uses would be detrimental to the rural character of the area.

Staff Analysis: The site of the new tasting room is to be located within an existing residential garage, which will require the existing space to be converted, and will not result in any new structures or building on the site, nor will the existing architecture of any of the existing structures be altered. The location and scale of the proposed wine tasting room use is subordinate in size relative to the existing vineyard and the property on which it is located.

Due to the small scale of the project there are no significant traffic impacts. According to the applicant's traffic engineer, W-Trans, the property's driveway has adequate stopping distance in both directions along Slusser Road based on the critical approach speed survey performed at the driveway location. The traffic engineer also noted that any signage and landscaping installed along the project's frontage should be kept back from the edge of the roadway or be low-lying to retain existing sight lines, which is addressed in the conditions of approval. It should also be noted that the section of roadway serving the projects site runs north/south with two twelve foot wide travel lanes with no curvature at the site. An access study was performed by W-Trans Traffic Engineers, dated October 27, 2015, that concluded that the sight lines were adequate in both directions at the entrance to the site.

Based on the above information the proposed project will not be detrimental to the community character or result in an over concentration of wineries in the near vicinity.

"Policy AR-6a: Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production."

Staff Analysis: Consistent with past approvals for similar projects, the two wine club tasting events held at the tasting room are considered agricultural promotional events. The purpose of events at the tasting room is to create a customer experience to increase direct sales of the wine produced off-site but from grapes grown on site. No food will be prepared on-site and only catered food will be served for events.

In general, the public has raised concerns about weddings and the potential for wineries to become more event centers than focusing on marketing wine. The BZA has found that weddings can create brand loyalty and serve to market wine, but that the number of weddings should be limited so as not to become an event center. On September 28, 2017, the BZA noted that they would not support weddings at the proposed facility. Therefore, the applicants have modified their proposal and no weddings are proposed at the tasting room/facility.

The subject property consists of 38.1 acres, with 7 acres planted in vines and much of the site devoted to pasture land with the exception of a small area where the existing residence is located which would be utilized for the tasting room and the two (2) wine club/tasting events. The primary use of the property will remain as agricultural, with the proposed promotional events and tasting facility being a secondary use on the site. The scale and size of the proposed use is relatively small compared to other such facilities in the area, as the tasting facility is to be integrated within an existing garage, and the agricultural use of the property (vineyard/pastureland) will not be disrupted.

Consistent with past approvals, the proposed events would promote the family wine from grapes grown on-site at the family's vineyard, though most processing including all crushing, filtering and bottling is to be done off-site at the Christopher Creek Winery located at 641 Limerick Lane in Healdsburg.

The DA (Diverse Agriculture) zoning district allows for tasting rooms, subject to the minimum criteria of General Plan Policies AR-6d and AR-6g and approval of a Use Permit.

- 1. The use promotes and markets only agricultural products grown and processed in the local area.*

Staff Analysis: The applicant has indicated that, "the Foppoli family has established a winery brand with a small production amount and intends to establish a location to highlight the wine at the site of the family vineyard." Grapes grown and harvested at the site are processed elsewhere, including crushing, filtering and bottling of the wine at Christopher Creek Winery in Healdsburg. The intent is to return the finished product to the site for sale/tasting during daily operation of the facility, as well as during the two annual wine club events at the site. Wine

from grapes grown on-site will have some barrel aging on-site, which promotes and markets agricultural products grown locally by showcasing it in the proposed tasting room.

2. *The use is compatible with and secondary and incidental to agricultural production activities in the area.*

Staff Analysis: The primary agricultural production activity in the project area is vineyards for the processing of wine. Because the proposed tasting facility would facilitate the sale and promotion of agriculture products grown on the site, the facility itself would be located within an existing garage structure and overflow parking would only be utilized for the two annual wine club events and not change or alter the use of the pasture, it is considered incidental and secondary to the agricultural and residential activities on-site and in the area. No aspects of the existing agricultural use will be displaced by the proposed use.

3. *The use will not require the extension of sewer and water.*

Staff Analysis: The use will be served by on-site septic system and water is currently provided by the Town of Windsor to the parcel. Extension of sewer and water lines will not be required.

4. *The use is compatible with existing uses in the area.*

Staff Analysis: The tasting room will operate only during normal business hours from 10:00 a.m. to 5:00 p.m. by appointment only, and is to include up to 2 wine club event days per year with a maximum of 30 people per event. Events will take place during tasting room hours. These events are to take place during the winter months, with both events taking place indoors or under temporary covered tents. The project will not utilize amplified music or speech thus reducing the potential for disturbances on neighboring properties. Due to the small scale of the facility and the large site, with all parking to be contained on-site, the project/use should be compatible with surrounding building and agricultural uses.

5. *Hotels, motels, resorts, and similar lodging are not allowed.*

Staff Analysis: The proposed project does not include any overnight marketing accommodations.

6. *Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.*

Staff Analysis: The project includes the establishment of a new tasting room proposed for sales and marketing that promote local wines. The proposal will also include up to two wine club

events per, with no other events or weddings taking place. Each of the proposed wine club events would be limited to a maximum of 30 people.

The project as proposed is consistent with the General Plan and Zoning Ordinance policies related to visitor serving uses. Mitigation measures and monitoring have been incorporated into conditions of approval. Both the tasting room and the two annual agricultural events promote and market grapes grown on site.

Relative to Visitor Serving Facilities, the Agricultural Resources Element promotes the County's agricultural industry by establishing policies that allow specific, limited visitor serving uses in agricultural areas:

“Goal AR-6: Allow new visitor serving uses and facilities in some agricultural areas but limit them in scale and location. These uses must be beneficial to the agricultural industry and farm operators and compatible with long term agricultural uses of the land.”

“Objective AR-6.1: Give the highest priority in all agricultural land use categories to agricultural production activities. Visitor serving uses shall promote agriculture and enhance marketing of Sonoma County agricultural products, but shall be secondary and incidental to agricultural production.”

In addition to requiring visitor uses to be “secondary and incidental to local agricultural production,” the General Plan recognizes that even if visitor service and support uses are “related to surrounding agricultural activities,” they may be detrimental if allowed in local concentration with detrimental effects that may constitute grounds for denial of such uses. As previously noted, staff does not believe that there is an over concentration of tasting rooms in the immediate area as most of the wineries and tasting room are located over one mile away to the south along the south side of River Road. It should be further noted that the project as revised, will operate a small tasting facility during the hours of 10:00 a.m. to 5:00 p.m., but will be by appointment only, further minimizing impacts on the neighborhood. Furthermore, the proposed reduction of events down to two per year also helps minimize visitor serving uses on-site consistent with General Plan goals and policies.

“Policy AR6-f: Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all of the following factors:

- (1) Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis.*
- (2) Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.*
- (3) Whether the above uses would be detrimental to the rural character of the area."*

Staff Analysis: There are currently three wineries with associated tasting rooms along Slusser Road within one (1) mile of the proposed project site, that include Sonoma – Cutrer Vineyards, La Crema Estate at Saralee's Vineyard, all located south of the site, along Slusser Road. The majority of the wineries in the region west of Highway 101 are situated along the south side of River Road, well over a mile from the site, thus not resulting in a concentration or proliferation of wineries and tasting rooms in the immediate vicinity.

Additionally, during the initial project referral, no negative comments regarding the proposal were received from the Public Works Department. Staff did request a spot speed study addressing site distance and stopping site distance. An access and distance study was performed by W-Trans Engineering for the proposal and sight lines were determined to be adequate in both directions along Slusser Road at the entrance to the site (see discussion above under Policy AR-5g).

Relative to water usage and impacts to wells and the local aquifer, the property is currently served by the Town of Windsor for water service. According to the applicant, water service for the proposed project is to be provided by the Town of Windsor. As conditioned, the proposal is required prior to issuance of building permit to submit a "Will Serve Letter" to the Project Review Health Specialist verifying compliance. Because the property is to be served by on-site septic, the proposal is also conditioned to obtain a permit for the sewage disposal system (see Exhibit A - Condition 9).

The rural character of the area would not be altered. The tasting room facility is to be located within an existing residential garage, which will involve converting the interior of the structure and will not result in any new structures or buildings on the site. Nor will the existing architecture of any of the existing structures be altered. The property consists of 38.1 acres, with 7 acres planted in vines and the majority of the site devoted to pasture for animal grazing. The site also contains an existing residence and a barn. The proposed use is to be subordinate and secondary to the agricultural use of the property. Although two annual wine club events are also associated with the proposed tasting facility, these will be infrequent and will not result in any exterior changes to the residence or the garage. The existing garage and residence are over 500 feet west of the public right-of-way (Slusser Road) and are buffered by the existing vineyard. Though no new structures are proposed, parking, noise, light and traffic could change the character of rural areas. However, in this case the use in small scale, lot size is substantial

(38 acres) and the size and number of events is also relatively small (10 persons = 40 cars) and a limited amount of pavement.

Issue #2: Zoning Consistency

The project site is zoned DA (Diverse Agriculture). The purpose of DA is stated as follows:

“To enhance and protect those land areas where soil, climate and water conditions support farming but where small acreage intensive farming and part-time farming activities are predominant, but where farming may not be the principal occupation of the farmer; and to implement the provisions of the diverse agriculture land use category of the General Plan and the policies of the Agricultural Resource Element.

The DA zoning district of the Zoning Ordinance, allows for processing and preparation of agricultural products pursuant to Section 26-08-020(g);

And, Section 26-08-010 (j); allows for:

“Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of general plan Policies AR-6d and AR-6g. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g)”;

Staff Analysis: As discussed above, on past projects, agricultural promotional events including a limited number of weddings have been found consistent with the agricultural zoning districts, including the DA zoning district, if the events can be found to promote agricultural products grown or processed on the site. In addition, such events can be found compatible with surrounding agricultural activities if hours and the frequency of the events are limited and if there are no substantial noise or traffic impacts as a result of the activities. The project site is located directly off of Slusser Road, a County maintained roadway. According to the Traffic Impact Study prepared by W-Trans, the traffic generated by the project would not cause traffic concerns or hazards as there is adequate site distance on Slusser Road. County Public Works has provided conditions of approval to address the existing residential access to be brought up to commercial standards as well for the requirement that the applicant provide for orderly and efficient movement of vehicles entering the site and minimize traffic impacts on the public road by providing on-site traffic control for all events that require the need for overflow parking (see Exhibit A - Conditions 35, 36 and 37). In terms of noise, mitigation incorporated into the project require that no amplified music or sound used during events at the tasting facility to ensure noise levels do not exceed the Daytime Noise Standards in the General Plan (see Exhibit A - Conditions 27, 28, 29, 30 and 31).

However, in comparing this request with previously approved Use Permits for wineries with tasting rooms and events, the following project components were discussion points at the September 28, 2017 public hearing.

Tasting Room Hours:

The Board of Supervisors has directed staff to maintain consistent hours of operations for tasting rooms from 10 a.m. to 5 p.m. to avoid the cocktail hour and evening peak hours when people are off work and returning home. The applicant revised the application to close tasting at 5:00 PM, 7 days a week, consistent with the Board's policy (see Exhibit A - Condition 42).

Weddings:

On several past projects approvals the BZA has found that agricultural promotional events, including weddings, if limited in frequency and size, are a compatible use for agricultural land because they are a marketing tool that provides wine sales and helps to promote the long-term viability of agriculture within the county. The revised project will not provide for any weddings in association with the proposed tasting facility, Recommended Conditions of Approval prohibit amplified music.

Currently, the Zoning Ordinance does not limit the number of agricultural promotional events allowed on agriculturally- zoned parcels, but rather requires a use permit that would determine the allowable use based on site specific factors. As noted, the revised proposal will not include any weddings, and will only include a total of two annual wine club/tasting agricultural promotional events.

Food and Wine Pairing:

The applicant has indicated that all events are to be catered as there will be no on-site food preparation in association with the events or tasting facility. The project has been conditioned accordingly (see Exhibit A - Conditions 26 and 58).

Historically, the County has limited food service of meals at tasting rooms to promotional events only so that these activities are limited in number and avoid conversion to a restaurant-type use. Pre-prepared packaged foods such as cheese, crackers and other palate cleansers are allowed to be served in tasting rooms. But generally prepared or cooked to order foods and table service is generally only allowed as part of promotional event activities. Prepared meals and appetizers are generally not allowed for "drop in guests", while tours and wine tasting has been allowed on a daily basis. Food service has been a major concern for conversion of agricultural lands to more intense commercial uses. On the other hand, food and wine pairing has been a growing industry trend that enhances the wine tasting experience leading to more

sales. Also, serving food during wine tasting, even in small portions, can reduce the potential for intoxication. While few tasting rooms have requested food service on a daily basis, staff recognizes that many wineries have begun offering similar food and wine pairings on a routine basis. Several wineries have been approved for food and wine pairing in their tasting rooms, such as: Nicholson Winery, St. Francis Winery, Rams Gate, Viansa, Lake Sonoma (Sbragia), Korbel, and Benzinger.

Issue #3: Noise

The Noise Element of the Sonoma County General Plan establishes goals, objectives and policies including performance standards to regulate noise affecting residential and other sensitive receptors. The General Plan sets separate standards for transportation noise and for noise from non-transportation land uses.

The closest residential uses are approximately 1,900 feet south of the project site. Considering the distance of the tasting room structure and access road from adjacent noise sensitive uses, the small size and number of employees of the proposed project, the lack of amplified noise and restriction of hours of operation for wine tasting and special events, it is expected that noise from the proposed tasting room expansion operations would be less than significant. The project will be conditioned to comply with General Plan Table NE-2 maximum noise level standards adjusted for music and speech (see Exhibit A - Condition 27).

As previously noted in the project description, promotional events will not include amplified music or speech, or auctions. However, non-amplified acoustical music, such as piano, strings and woodwinds could be utilized for events. The two proposed wine club/tasting events will be conducted indoors or under covered tents. Although the applicants have stated that no amplified sound/music is proposed, staff is still recommending a condition of approval prohibiting amplified sound and music for the proposed facility to ensure future owners have clear understanding of the basis for the approval (see Exhibit A - Condition 29).

Additionally, staff recommends a standard condition of approval stating that if noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the operations meet noise standards and identify any additional noise measures necessary to attenuate noise. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional measures needed to meet noise standards (see Exhibit A - Condition Number 30).

The project site is located approximately 0.40 mile or 2,200 feet west of Runway No.2 of the Sonoma County/Charles Shultz Airport. The parcel is outside of the areas that may experience airport noise in excess of 55 CNEL, so it is not considered noise impacted. The project does not involve construction of any structure that may project into protected airspace, therefore no noise issues are anticipated.

Issue #4: Traffic and Parking

Traffic Generation

The proposed project would generate traffic, based on other similar projects as they relate to the following:

- Employees: an average of 1 full-time and 1 part-time employees during non-harvest/year round. With an estimated 3 trips per day per employee, this would equate to 3 to 6 trips per day.
- Shipping and receiving: minimal case goods storage provided on-site; most will be stored at off-site locations. A minimal number of trips are anticipated with regards to the delivery of case goods and barrel storage.
- Visitors: public tasting with retail sales would bring an estimated 20 to 30 visitors per day. Assuming 2.5 visitors per vehicle, this would equate to 8 to 12 vehicle trips for visitors. These trips would likely be spread over several hours of the day. Business visitors may bring another 5 trips per week.
- Events: the applicant anticipates up to two wine club/tasting events per year with up to 30 guests per event. If assuming 2.5 persons per vehicle for events, this would equate to 12 vehicles for the largest events. Most of these trips would occur throughout the day during tasting room hours.

The tasting room would generate an estimated 8 to 12 vehicle trips on any given day. However, as modified, the tasting room would be operated on an appointment basis, thus minimizing the potential number of vehicle trips. With a maximum of up to 30 guests for an event, the total number of vehicle trips would be estimated at a maximum 12 trips with a maximum of 30 guests. Additionally, it can be assumed that on given days the vehicle trips associated with just the tasting facility being operated by appointment only may also reduce the number of daily vehicle trips below 12. It is also assumed that there would be an average of 1 truck trip per month for delivery of case goods.

The Sonoma County General Plan indicates plans to classify Slusser Road as a Class III bikeway. Traffic counts obtained on Slusser Road on August 14, 2012, per a W-Trans memorandum dated November 25, 2015, indicate that the roadway is carrying approximately 2,600 vehicles per day. The proposed project would add approximately 2.4 percent to the current traffic volume. Given

the rural nature of the project setting, existing relatively low vehicle counts, additional traffic generated by the project is expected to be able to be accommodated by Slusser Road. And with the low volumes of trip generation, the proposed project would not significantly impact or conflict with established plans and policies for streets, highways, and/or intersections.

Access Analysis

Site Access

On November 25, 2015, a Final Traffic Impact Study was prepared by Whitlock & Weinberger Transportation, Inc. (W-Trans) see Exhibit I. The purpose of the study was to evaluate the adequacy of sight distance at the driveway for the proposed facility at 5105 Slusser Road. The study area consists of Slusser Road, which runs along the frontage of the project site, and is generally oriented north-south and is classified as a minor collector. Along the frontage of the site, the road has two 12-foot travel lanes. According to W-Trans, traffic counts were obtained on Slusser Road on August 14, 2012 that indicated that the roadway is carrying about 2,600 vehicles per day (see Exhibit I).

Access to the project site will take place via an existing driveway on Slusser Road. The existing driveway will provide full access, including turns to and from both directions on Slusser Road. Relative to sight distance, according to W-Trans, at approaches to a major roadway from either a stop-controlled minor street or driveway a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either cross, turn left, or turn right, without requiring the through traffic to radically alter their speed. Sight distances along Slusser Road from the project driveway were evaluated based on stopping sight distance criteria contained in *A Policy on Geometric Design on Highway and Streets* published by American Association of State Highway and Transportation Officials (AASHTO) with recommended sight distances based upon approach travel speeds. The sight distance at the proposed project driveway was field measured. The sight lines measured are 445 feet to the north of the project driveway and there is an excess of 600 feet of sight distance to the south.

W-Trans further noted that a radar speed survey was performed on September 22, 2015 to determine the appropriate design speed for the application in the analysis. Based on critical (85th percentile) speed of 47 mph for northbound traffic and 45 mph for southbound traffic, stopping sight distance of 360 feet is needed. The W-Trans study further stated that sight lines are adequate in both directions, and in fact, are adequate for approach speeds of about 52 mph southbound and more than 60 mph northbound. It was noted in the report that only one southbound vehicle surveyed was travelling at more than 52 mph when it reached the driveway, though because that vehicle was accelerating out of a curve as it approached the

driveway its average speed, which is what the sight distance is based on, was actually less than the 55 mph observed, and the sight distance would therefore be adequate even for this highest-speed vehicle.

The report concluded that the project driveway has adequate stopping sight distance in both directions along Slusser Road based on the critical approach speeds obtained in a speed survey performed at the driveway location. Further it was noted that any signage or landscaping installed along the project's frontage should be kept back from the edge of the roadway or be low lying to retain existing sight lines.

Event Parking

The County does not permit event parking along public or private roadways, as well as any shared vineyard roads.

The project would include 5 standard parking spaces and 1 van accessible space, graveled surface. These spaces would be open to employees and the tasting room visitors. Based on the revised site plan the applicants have proposed 76 parking spaces to be provided to accommodate the wine club/tasting events in an area that would be mowed in combination with graveled surface area near the existing circular driveway for a total of 81 on-site parking spaces. It should be noted that a maximum of 12 on-site parking spaces for the proposed events would be sufficient to accommodate the 30 event visitors. This is based on a parking ratio of 2.5 people per vehicle (2.5 occupants per vehicle divided by 30 total visitors equals 12 required parking spaces. Based on staff's review of the proposal, a maximum of 18 on-site parking spaces would be sufficient to accommodate employees, tasting room patrons, and each of the agricultural promotional events. Although the applicant has clearly demonstrated sufficient on-site parking, only 12 spaces for the event parking is more than sufficient for the proposal. Therefore, pursuant to Condition Number 45 the applicant will need to submit for review and approval a revised parking and circulation plan prior to issuance of any building permits. Condition Number 45 also requires the installation of all-weather surfacing for the parking area as the listed events will be conducted year round.

One covered parking space is required for a single-family residence. If the entire parking garage is converted to tasting/barrel storage a covered parking waiver is required as part of the Use Permit approval. Approval of a covered parking waiver should have no negative impacts to the neighborhood because the parking area adjacent to the existing residence is not visible from Slusser Road.

Issue #5: Neighborhood Compatibility

Currently, only one letter expressing concerns has been received by PRMD. The letter was submitted by a neighbor who has expressed concerns regarding the use of amplified music. The neighbor is concerned with the use of loud music on a regular basis which will be utilized for a business in agricultural area. The project has been conditioned prohibiting the use of amplified sound/music and the applicants have further stated that they will not have auctions nor will amplified music be utilized. All noise sources will be within the daytime noise standard levels of the General Plan. Nighttime use of heavy trucks is prohibited. Hours of operation for the tasting room, wine club/tasting events have been limited, the annual number of agricultural promotional and industry wide events have been limited, and food service has been limited on the project site (see Exhibit A - Conditions 26, 27, 28, 29, 30, 31 and 58).

The traffic study prepared by W-Trans examined site distances along Slusser Road at the project site and it was determined that adequate sight and stopping distance are present at the project driveway and no impacts are anticipated. Further, adequate parking will be provided on-site and as conditioned, the project will not require any off-site parking occurring.

The project site is currently served by an on-site septic system, however a new on-site septic system is to be installed for the proposed tasting facility which will adequately address the new facility. To address the proposed wine club/tasting events, the use of chemical toilets will be included so as to address any sewage disposal issues. These can be easily installed for each of the two annual events and immediately removed soon thereafter. Conditions of approval have been incorporated to adequately address sewage disposal on-site (see Exhibit A - Conditions 18, 22, 23, 24, and 25).

Conditions have been incorporated into the project to reduce potential impacts from exterior lighting. Lighting shall be fully shielded, downward cast, and Dark Sky compliant. Any exterior modifications to the tasting room will be subject to Administrative Design Review.

The County Fire Marshal reviewed the project and will require that the project comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management, and management of flammable or combustible liquids and gases.

ALTERNATIVES

Based on input received from the BZA on September 28, 2017, the applicant has modified the proposed project and has eliminated weddings and significantly reduced the number of events from 20 agricultural promotional event days to just 2 wine club/tasting events per year. In addition, the applicant has also indicated that the tasting room is to be operated on an appointment basis only, which would reduce the number of people at any given time.

A potential alternative to the request is to prohibit or further limit the number of events. As conditioned, the Use Permit limits the number of events to two wine club/tasting events per year, and requires that if noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine if the operations meet noise standards in conformance with the Daytime Noise Standards in the Noise Element of the General Plan.

STAFF RECOMMENDATION

Staff recommends that the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve the request for a Use Permit for a tasting room, within the existing 1,800 sq. ft. residential garage and grants a waiver to covered parking. The proposal would convert the entire existing 5 car garage to case good storage, a unisex restroom, the wine tasting bar to be open to the public by appointment only along and barrel storage room, including 5 guest/employee parking spaces and one ADA van accessible space, and although the applicants have provided for 76 overflow event parking spaces, only 12 spaces are required and therefore, it is recommended that the event parking be reduced to provide for only 30 persons maximum per event; and allow 2 annual wine club/tasting events (with a maximum of 30 guests for each event), with no weddings to be allowed.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the General Plan land use designation of Diverse Agriculture, and General Plan objectives to facilitate County agricultural production by allowing sales and promotion of agricultural products including tasting rooms and associated improvements. The applicant's tasting room would highlight the wine processed from grapes grown on-site at the family vineyards (Objective AR 5.1). The General Plan provides for facilities that promote agricultural products in all three agricultural land use categories only where the use supports and is proportional to agricultural production on the site or in the local area. The subject site is designated Diverse Agriculture, which is considered one of the primary agricultural land use designations. Although grapes produced at the family vineyard are processed elsewhere, the proposal includes a limited amount of on-site processing (barrel storage), thus allowing for the wine from the grapes grown on-site to be showcased at the project site. The primary use of the site will remain in agriculture, consisting of 7 acres in vines and the remainder of the site in pasture, with only the location of the existing garage to be utilized for the tasting facility, thus not disrupting the existing agricultural use of the property. A small amount of finished case goods will be stored on-site for sale and available to daily customers of the tasting facility, however the bulk of the case goods will be stored off-site (Policy AR-5c). Tasting rooms, agricultural promotional events, including weddings, and industry-wide events have been found to promote the region's as well as the grapes grown on-site, educate visitors to the region's

wines, on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with Policies AR-6d, AR - 1a, AR-4a, and AR-6a.

The primary potential land use conflicts associated with the proposed use for agricultural promotional events are exterior lighting, traffic, water use, and noise. Conditions of approval have been incorporated into the project to reduce potential impacts to a less than significant level. The project generated traffic will not result in road access conflicts on Slusser Road. The project site obtains its water from the Town of Windsor and will not have an impact on the existing aquifer or surrounding properties and wells in the vicinity. The proposal involves the establishment of a new tasting room within an existing garage, which will retain its current architecture and building design, which is in character with the rural area. Agriculture, with 7 acres of vines and pastureland remains the primary use of the site.

2. The proposal is consistent with the DA (Diverse Agriculture) zoning designation, which allows the following under Section 26-08-020 (i) and (k) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries which are a marketing tool that promote the wine, and for this project, wine from the grapes produced or grown on site. Project conditions of approval prohibit the tasting facility from being rented out to any third-party contracts, and does not allow for weddings, and all events must directly promote wine produced on-site or local area.

3. The property will continue to be devoted to agricultural use because 7 acres of the property is planted in vines, with the remainder of the site devoted to pastureland, thus agricultural remaining the primary use; All other uses, including the tasting room, associated parking, landscaping and outdoor activity area, and existing residence are compatible with the agricultural use of the property; There will be no removal or displacement of vines or the pasture as a result of the proposed project; The operation of the tasting room and hosting agricultural promotional events are consistent with the General Plan because they are marketing tools to help sell the wine on-site and ensure the long term viability of the vineyard and the wine produced from the property; There will be no other structures constructed on the site, with the tasting room located within an existing garage, and no amplified sound/music is to be permitted in association with the proposed events; and The agricultural promotional events (wine club/tasting events) are annually limited in number, duration, and scope to ensure that the increase in the temporary human population drawn to the site will not hinder or impair agricultural operations in the immediate vicinity.

4. Based upon the whole record (including the Initial Study and all comments received) there is no substantial evidence that the Revised Project will have a significant environmental effect.

Changes or alterations have been required in, or incorporated into, the Project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

5. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: exterior lighting must be low mounted, downward casting and fully shielded to prevent glare, lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated; Slusser Road is adequate to support the use; the project will not compromise agricultural capability because the proposed use does not remove vines and is within existing structures; the use of amplified sound/music is prohibited and mitigations have been incorporated into the project to ensure that noise from construction, winery, and event activities meet the Daytime Noise limit standards established in the General Plan, with limited hours of event activities, and the conditions placed on the project to control noise. Other project related circumstances include that the project will not create a detrimental concentration of visitor-serving uses as there are three in a one mile radius. The traffic generated by the project will not result in road access conflicts as the site lines measured are 445 feet to the north and well over 600 feet to the south, meeting sight distance requirements according to the traffic engineer (W-Trans) who prepared the Access Study for the project; project will not affect or cause a significant drawdown of neighboring wells in the area as the project receives its water from the Town of Windsor; a parking plan will control guest vehicle parking and movement on the project site; hours of operation at the tasting room, and event activities would be limited; nighttime use of heavy trucks is prohibited; any use of amplified music is prohibited; no weddings are to be conducted on the site; and there will be no new building constructed in association with the proposed project and the proposed tasting facility will be located within an existing garage, with minimal exterior changes being done to the design thus allowing it to continue to blend into the vineyard backdrop and would not be detrimental to the rural character of the area.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Use Permit Application
- EXHIBIT C: Revised Proposal Statement, dated May 11, 2018
- EXHIBIT D: Vicinity Map
- EXHIBIT E: General Plan Map
- EXHIBIT F: Zoning Map
- EXHIBIT G: Revised Site Plan, dated May4, 2018

EXHIBIT H: Floor Plans
EXHIBIT I: September 28, 2017 BZA Minutes
EXHIBIT J: Access Traffic Impact Study, prepared by W-Trans, dated October 27, 2015
EXHIBIT K: Letters from neighbor, Dr. Paul Tiernan, expressing concerns
EXHIBIT L: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration